IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1840 OF 2005
IN
APPEAL NO.508 OF 2005
IN
NOTICE OF MOTION NO.3298 OF 2003
IN
TESTAMENTARY PETITION NO.598 OF 1998

Mrs.Lyla Jehangir nee Lyla Ghaswalla .. Appellant.

V/s.

B. Lentin & Others .. Respondents.

Mr.H.J. Thakkar with Mr.V.J. Shah i/b. C.N. Mehta for the appellant.

Mr.I.S. Saluja i/b. M.V. Kini & Co. for respondent No.6.

Mr.S.A. Divan with Ms.Alpana Ghone and Ms.Lata Bachhani i/b. I.R. Joshi & Co. for respondent No.4.

Mr.D.R. Dhurat, 1st Asstt. to Court Receiver present.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 6TH JULY, 2005.

P.C. :

Heard.

2. The notice of motion is disposed of by following order :

i) The Court Receiver is directed to encash the two fixed deposits being of the

principal amount of Rs.1,27,923.63 and Rs.15,50,000/- with the Bank of Baroda along with accrued interest thereon.

ii) Upon encashment of the aforesaid two fixed deposits, the Court Receiver is directed to invest the amount of Rs.1,00,00,000/- (Rs.One Crore) in Reserve Bank of India, Government of India 8% Savings Bonds in the name of Respondent No.4 - Ms.Zenia Darius Jehangir.

iii) All necessary formalities which are required in this connection shall be done by the Court Receiver. The respondent No.4 wherever necessary shall sign the requisite documents.

iv) The balance amount of the proceeds of the fixed deposits shall be paid over to the respondent No.4 on her furnishing solvent surety / security for restitution. The security of Flat No.5, Himalaya Building, 2nd Floor, Worli Sea Face Road, Mumbai having area of about 780 square feet by the father of respondent No.4 shall be treated as an adequate and solvent surety / security

for release of balance amount to the respondent No.4 by the Court Receiver.

V) The direction given by the learned Single Judge to the Court Receiver to hand over to the respondent no.4 the jewellery and other articles of ornaments is stayed. However, upon application being made by the respondent No.4, the Court Receiver may give inspection of the jewellery and other articles of ornaments to the respondent No.4.

vi) The Hongkong & Shanghai Banking Corporation shall pay over to the respondent No.4 the total amount lying in the Savings Bank A/c. No.002-1523346-006.

vii) We direct that the Court Receiver shall not charge any fees.

3. Oral prayer made by the learned counsel for the appellant for stay of this order for a period of two weeks is rejected.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)